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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/419,849      10/19/99      KRIVITSKI      N      86017.000010

023387      MMC2/1001  
HARTER SECREST & EMERY, LLP  
1600 BAUSCH & LOMB PLACE  
ROCHESTER NY 14604-2711

EXAMINER

DICKENS, C

ART UNIT

PAPER NUMBER

2855

DATE MAILED:

10/01/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/419,849

Applicant(s)

Krivitski et al.

Examiner

DICKENS

Group/Art Unit

2855

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE -3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 11-1-00
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-33 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-33 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948. w/ attachment
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☒ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2,3,5,6
- ☐ Notice of Reference(s) Cited, PTO-892
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948 w/ attachment
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

1. The disclosure is objected to because of the following informality on page 16, line 13, "20" should be --22--.

Appropriate correction is required.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:


A person shall be entitled to a patent unless --


(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Krivitski et al. Krivitski et al. teaches an apparatus used in the method of determining an initial flow rate of a liquid, i.e., blood, in a conduit 12 having a catheter (26, 32) comprising: introducing a discrete volume change to the initial flow rate by injecting, in an injection port (40, 70), or withdrawing the discrete volume from the conduit (col. 5, lines 50-63); sensing (50, 60), within a conduit, a corresponding resulting change, which includes sensing an upstream location 14 and a downstream location 18, in the flow in the conduit using a flow, velocity, optical and pressure sensors (col. 2, lines 10-16); and determining the initial flow rate in response to the introduced volume change and the sensed resulting change (col. 5, line 64 - col. 6, line 67); wherein sensing a corresponding resulting change includes sensing a dilution indicator (col. 6,

lines 18-28); controller 58 configured to determine the initial flow rate in response to the known volume change and the corresponding change; wherein introducing the volume of the indicator includes introducing a solution including at least one of saline and glucose into the conduit (col. 5, lines 56-59).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Dickens whose telephone number is (703) 305-7047. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist or the customer service representative whose telephone numbers are (703) 308-0956 or (703) 308-4800 respectively. The fax numbers are (703) 305-3431 and (703) 305-3432.

  
cd/dickens  
September 30, 2001

  
Benjamin R. Feller  
Examiner, Patent Examiner  
Technology Center 2100